

Execution in
case of cross-
judgments.

XXXIX. If there be cross-judgments between the parties, execution shall be taken out by the party only who shall have obtained judgment for the larger sum, and for so much only as shall remain after deducting the smaller sum, and satisfaction for the remainder shall be entered as well as satisfaction on the judgment for the smaller sum ; and if both sums shall be equal, satisfaction shall be entered upon both judgments.

Proceedings in
suits against
absconding
debtors.

XI. If any person in any temporary Judicial District being indebted in any sum not exceeding twenty-five pounds and not less than twenty shillings, for any debt or money demand arising upon any contract express or implied, or upon any judgment, shall abscond from this Province, leaving personal property liable to seizure under execution for debt, in such temporary Judicial District, or shall attempt to remove his personal property out of such temporary Judicial District, or shall keep concealed therein to avoid service of process, with intent and design to defraud his creditor or creditors, it shall and may be lawful for any creditor of such person, his servant or agent, to make application to the Clerk of any Division Court of the temporary Judicial District wherein the debtor was last domiciled, or where the debt was contracted, or to the Stipendiary Magistrate therein, and upon making or producing an affidavit or affirmation to the purport of that in the Schedule to this Act annexed marked D, and upon then and there filing the said affidavit or affirmation with such Clerk or Stipendiary Magistrate, it shall be lawful for such Clerk or Stipendiary Magistrate forthwith to issue a warrant under his hand and seal, directed to the bailiff of the Division Court, within which the same is issued, or to any constable, commanding such bailiff or constable to attach, seize, take and safely keep all the personal estate and effects of the absconding, removing or concealed person or persons, of what nature and kind soever, liable to seizure under execution for debt within such temporary Judicial District, or a sufficient portion thereof to secure the sum mentioned in the warrant, with the costs of the action, and to return the same forthwith to the Division Court of the Division wherein such warrant was issued, upon receipt of which warrant the bailiff or constable to whom the same may be directed, shall forthwith execute the same, and make a just and true inventory of all such personal estate and effects, as he shall seize and take by virtue thereof, and shall forthwith return the same to the Clerk of the Division Court of the Division within which such warrant was issued : Provided always, that proceedings may be conducted to judgment and execution in any case commenced by attachment under the provisions of this Section, in the Division Court of the Division within which the warrant of attachment shall issue ; and that when proceedings shall be commenced in any case before the issuing of an attachment under the provisions of this section, such proceedings may be continued to judgment and execution in the Division Court within which such proceedings may have been commenced ; and the property
and

Warrant of
Attachment to
issue on proper
affidavit.

Inventory to
be made.

Proviso : as to
division in
which the pro-
ceedings may
be had, &c.